

ENTERED

November 05, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOSE MAURICIO SANTANA,

Petitioner,

VS.

WARDEN COX,

Respondent.

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CIVIL ACTION NO. 2:20-CV-298

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

Before the Court is Magistrate Judge Julie Hampton's Memorandum and Recommendation (M&R). (D.E. 23). The M&R recommends that the Court construes Respondent's motion to dismiss as a motion for summary judgment and grants Respondent's motion. (D.E. 18). Further, the M&R recommends that the Court deny Santana's 28 U.S.C. § 2241 habeas corpus petition. (D.E. 1).

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015).


Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the

M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 23). Accordingly:

- (1) The Court construes Respondent's motion to dismiss as a motion for summary judgment and **GRANTS** Respondent's motion. (D.E. 18).
- (2) The Court **DENIES** Santana's 28 U.S.C. § 2241 habeas corpus petition. (D.E. 1).

A final judgment will be entered separately.

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
November 5th, 2021